

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x

DORRELIEN FELIX and MARGALY FELIX,  
individually, and JONATHAN C. MOORE, as  
Administrator of the ESTATE OF DAVID FELIX,

Plaintiffs,

-against-

THE CITY OF NEW YORK, a municipal entity;  
HAROLD CARTER and VICENTE MATIAS, individually  
and in their official capacities as New York City Police  
Detectives; the BRIDGE INC., a domestic not-for-profit  
organization; and JANE DOE (as of yet unidentified  
employee of the BRIDGE),

Defendants.

----- x

**BRIAN FRANCOLLA**, an attorney duly admitted to practice in the Courts of  
New York, declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the  
following statements are true:

1. I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City  
of New York, attorney for defendants City of New York, Harold Carter and Vincent  
Matias. As such, I am familiar with the facts and circumstances stated herein and submit  
this declaration in support of defendants' motion for summary judgment pursuant to FED.

R. CIV. P. 56.

2. As part of discovery, defendants, through defense counsel including the undersigned,  
produced to plaintiffs approximately 8,273 pages of NYPD training materials related to  
EDPs.

**DECLARATION OF BRIAN  
FRANCOLLA IN SUPPORT  
OF DEFENDANTS' MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT**

16 Civ. 5845 (AJN)

3. Annexed hereto as Exhibit "A" is a true and accurate copy of excerpts from the Deposition of Tianna Penn, taken on August 28, 2018.
4. Annexed hereto as Exhibit "B" is a true and accurate copy of excerpts from the Deposition of Harold Carter, taken on May 23, 2018.
5. Annexed hereto as Exhibit "C" is a true and accurate copy of excerpts from the Deposition of James Fulton, taken on October 23, 2019.
6. Annexed hereto as Exhibit "D" is a true and accurate copy of excerpts from the Deposition of Vincente Matias, taken on September 25, 2018.
7. Annexed hereto as Exhibit "E" is a true and accurate copy of a July 20, 2018 Memorandum and Decision from the Honorable Denny Chin, United States Circuit Judge, in the matter of Collado v. City of New York, et al., 11 CV 9041 (DC).
8. Annexed hereto as Exhibit "F" is a true and accurate copy of excerpts from the Deposition of Danielle Steeley, taken on April 23, 2018.

Dated: May 11, 2020  
New York, New York

JAMES E. JOHNSON  
Corporation Counsel  
of the City of New York  
*Attorney for Defendants City of New York,  
Harold Carter and Vicente Matias*  
100 Church Street  
New York, New York 10007  
(212) 356-3527

By: \_\_\_\_\_ /s/  
Brian Francolla  
*Senior Counsel*  
Special Federal Litigation Division

To: Beldock Levine & Hoffman LLP (By ECF)  
Jonathan Moore, Esq. & Luna Droubi, Esq.  
*Attorneys for plaintiffs*  
99 Park Avenue, PH/26<sup>th</sup> Floor  
New York, New York 10016